



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,106	03/12/2004	Salman Yousef Abbasi	2003-0113	8930
83658 7590 11/20/2009 AT & T Legal Department - WS Attn: Patent Docketing Room 2A-207 One AT & T Way Bedminster, NJ 07921				
EXAMINER				
LIU, BEN H				
ART UNIT		PAPER NUMBER		
2464				
MAIL DATE		DELIVERY MODE		
11/20/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/800,106

Applicant(s)

ABBASI ET AL.

Examiner

BEN H. LIU

Art Unit

2464

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to an amendment/response filed on October 16th, 2009.
2. Claims 1 and 18 have been amended.
3. Claims 7 and 19 have been cancelled.
4. No claims have been added.
5. Claims 1-6, 8-18 and 20 are currently pending.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-6 and 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby et al. (U.S. Patent Application Publication 2005/0190775) in view of Krause et al. (U.S. Patent 5,590,285).

For claim 1, Tonnby et al. disclose a method, comprising:

receiving, at a media access controller (MAC), a first request for a connection from a requesting agent (*see paragraphs 57-58 and figure 2, which recite an Edge Access Server EAS that receives a request for a connection between user U11 and service provider SPI*), said first request having a quality of service parameter (*paragraph 106, which recite a connection request that includes bandwidth and QoS attributes*);

sending a second request for one of a plurality of network addresses using one of first and second MAC addresses associated with said MAC based on said quality of service parameter (*see paragraph 62, which recite sending a DHCP request that uses the assigned MAC address SAMAC1 address to allocate IP addresses for the connection*);

receiving a network address in accordance with said second request (*see paragraph 62, which recite a service agent SA1 that allocates IP addresses according to the DHCP request*);
and

sending the received network address to said requesting agent to establish said connection in accordance with said first request (*see paragraph 62, which recite sending a DHCP response that include the allocated IP addresses associated with the previously assigned MAC address*).

Tonnby et al. disclose all the subject matter of the claimed invention with the exception wherein the second request for a network address comprises retrieving the quality of service parameter from the first request; sending the second request for a first network address using the first MAC address if the quality of service parameter indicates a multimedia connection; and sending the second request for a second network address using the second MAC address if the quality of service parameter indicates a data connection. However, Krause et al. from the same or similar fields of endeavor discloses a network station with multiple network addresses (*See abstract and column 4 lines 30-40*). The station uses a separate, unique MAC address and data channel for multi-media connection including video and audio data (*see column 25 lines 25-60 and figures 15-16*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the system for using a unique MAC address for multimedia data as taught by Krause et al. with the access system that requests a network address using the assigned MAC address as taught by Tonnby et al. By using a uniquely assigned MAC address for multimedia data, the request for a network address uses a first MAC address for multimedia connection or a second MAC address for other data connections. The motivation for implementing the network station that uses a separate, unique MAC address and data channel for multi-media connection as taught by Krause et al. with the access system as taught by Tonnby et al. is to improve the efficiency of the system by using data channels to multimedia modules to that reduces software overhead.

For claim 2, Tonnby et al. discloses a method of allocating network addresses wherein each network address from said plurality of network addresses comprises a network address for a different network (*see figure 2, which recite the ACC1 that provides addresses for service providers SP1 to SPn*).

For claim 3, Tonnby et al. discloses a method of allocating network addresses wherein a first network address from said plurality of network addresses comprises a network address for a private network, and a second network address from said plurality of network addresses comprises a network address for a public network (*see paragraph 104, which recite providing service bindings to different networks including both public and private networks*).

For claim 4, Tonnby et al. discloses a method of allocating network addresses wherein said connection comprises a multimedia connection (*see paragraph 101, which recite providing access to video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers*).

For claim 5, Tonnby et al. discloses a method of allocating network addresses wherein said multimedia connection comprises one of a voice connection, video connection and audio connection (*see paragraph 101, which recite providing access to video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers*).

For claim 6, Tonnby et al. discloses a method of allocating network addresses wherein said connection comprises a data connection (*see paragraph 101, which recites providing access to video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers*).

For claim 8, Tonnby et al. discloses a method of allocating network addresses wherein said second request is a dynamic host configuration protocol (DHCP) request (*see paragraph 62, which recite a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client*).

For claim 9, Tonnby et al. discloses a method of allocating network addresses wherein the sending said second request comprises sending said dynamic host configuration protocol request to a DHCP server and receiving said network address from said DHCP server (*see paragraph 62, which recite a service agent SA1 that responds to a DHCP request by allocating an IP address IPUD11 to the user device UD11*).

For claim 10, Tonnby et al. disclose an apparatus, comprising:
a media access controller (MAC) having a plurality of MAC addresses (*see paragraphs 57-58, which recite an Edge Access Server with a plurality of service agents, wherein each service agent is assigned a unique SAMAC address*), and

a requesting agent to connect to said MAC, said requesting agent to send a first request for a network address (*see paragraph 62, which recite sending a DHCP request that uses the assigned MAC address SAMAC1 address to allocate IP addresses for the connection*).

Tonnby et al. disclose all the subject matter of the claimed invention with the exception of a driver module to connect to the MAC and the requesting agent, the driver module to receive the first request and determine whether the first request is for one of a multimedia connection or data connection, the driver module to instruct the MAC to send a second request for a first network address using a first MAC address if the first request is for a multimedia connection, and to send a second request for a second network address using a second MAC address if the

first request is for a data connection. However, Krause et al. from the same or similar fields of endeavor discloses a network station with multiple network addresses (*See abstract and column 4 lines 30-40*). The station uses a separate, unique MAC address and data channel for multi-media connection including video and audio data (*see column 25 lines 25-60 and figures 15-16*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the system for using a unique MAC address for multimedia data as taught by Krause et al. with the access system that requests a network address using the assigned MAC address as taught by Tonnby et al. By using a uniquely assigned MAC address for multimedia data, the request for a network address uses a first MAC address for multimedia connection or a second MAC address for other data connections. The motivation for implementing the network station that uses a separate, unique MAC address and data channel for multi-media connection as taught by Krause et al. with the access system as taught by Tonnby et al. is to improve the efficiency of the system by using data channels to multimedia modules to that reduces software overhead.

For claim 11, Tonnby et al. discloses an apparatus that allocates network addresses wherein the driver module sends said first or second network address to said requesting agent to establish said connection in accordance with said first request (*see paragraph 64, which recite transmitting the allocated AMC address SAMAC1 to the user device UD11*).

For claim 12, Tonnby et al. discloses an apparatus that allocates network addresses wherein the requesting agent comprises part of a multimedia module (*see paragraph 57, which recite sending a connection request using a telephone call*).

For claim 13, Tonnby et al. discloses an apparatus that allocates network addresses wherein the multimedia module comprises a multimedia terminal adapter and analog telephone *(see paragraph 57, which recite sending a connection request using a telephone call).*

For claim 14, Tonnby et al. discloses an apparatus that allocates network addresses wherein the multimedia module comprises at least one of a packet telephone, video equipment and audio equipment *(see paragraph 101, which recite providing users access to video-on-demand servers wherein the user equipment must include video and audio equipment to utilize the service).*

For claim 15, Tonnby et al. discloses an apparatus that allocates network addresses wherein the requesting agent comprises part of a data module *(see paragraph 101, which recite providing users access to file backup service providers wherein the user equipment must include a data module to utilize the service).*

For claim 16, Tonnby et al. discloses an apparatus that allocates network addresses wherein said data module comprises one of a computer, server and workstation *(see paragraph 2, which recite a virtual LAN such as those connected by ACC1 that comprises computers that communicate with each other).*

For claim 17, Tonnby et al. discloses an apparatus that allocates network addresses further comprising a dynamic host configuration protocol (DHCP) server to connect to said MAC said DHCP server to receive said second request *(see paragraph 62, which recite a service agent SA1 that receives a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client),* retrieve one of said first network address and second network address from a DHCP table, and

send said retrieved network address to said MAC (*see figure 7 and paragraph 62, which recite retrieving network address SAMAC1 from table TAB1*).

9. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby et al. (U.S. Patent Application Publication 2005/0190775) in view of Krause et al. (U.S. Patent 5,590,285) and further in view of Chiang et al. (U.S. Patent 5,835,725).

For claim 18, Tonnby et al. disclose a method, comprising:

A computer readable medium storing computer executable instructions, said computer executable instructions defining steps comprising:

receiving, at a media access controller (MAC), a first request for a connection from a requesting agent (*see paragraphs 57-58 and figure 2, which recite an Edge Access Server EAS that receives a request for a connection between user U11 and service provider SPI*), said first request having a quality of service parameter (*paragraph 106, which recite a connection request that includes bandwidth and QoS attributes*);

sending a second request for one of a plurality of network addresses using one of first and second MAC addresses associated with said MAC based on said quality of service parameter (*see paragraph 62, which recite sending a DHCP request that uses the assigned MAC address SAMAC1 address to allocate IP addresses for the connection*)

receiving a network address in accordance with said second request (*see paragraph 62, which recite a service agent SA1 that allocates IP addresses according to the DHCP request*);
and

sending the received network address to said requesting agent to establish said connection in accordance with said first request (*see paragraph 62, which recite sending a DHCP response that include the allocated IP addresses associated with the previously assigned MAC address*).

Tonnby et al. disclose all the subject matter of the claimed invention with the exception wherein the second request for a network address comprises retrieving the quality of service parameter from the first request; sending the second request for a first network address using the first MAC address if the quality of service parameter indicates a multimedia connection; and sending the second request for a second network address using the second MAC address if the quality of service parameter indicates a data connection. However, Krause et al. from the same or similar fields of endeavor discloses a network station with multiple network addresses (*See abstract and column 4 lines 30-40*). The station uses a separate, unique MAC address and data channel for multi-media connection including video and audio data (*see column 25 lines 25-60 and figures 15-16*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the system for using a unique MAC address for multimedia data as taught by Krause et al. with the access system that requests a network address using the assigned MAC address as taught by Tonnby et al. By using a uniquely assigned MAC address for multimedia data, the request for a network address uses a first MAC address for multimedia connection or a second MAC address for other data connections. The motivation for implementing the network station that uses a separate, unique MAC address and data channel for multi-media connection as taught by Krause et al. with the access system as taught by Tonnby et al. is to improve the efficiency of the system by using data channels to multimedia modules to that reduces software overhead.

Tonnby et al. and Krause et al. disclose all the subject matter of the claimed invention with the exception wherein the method that allocates network addresses is implemented as a computer readable medium storing computer executable instructions for performing the address allocation. However, Chiang et al. from the same or similar fields of endeavor discloses a technique for dynamic address assignment and resolution (*see abstract*) wherein the dynamic address assignment is implemented as application software 412 implemented on memory (*see figure 4 and column 6 lines 22-31*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the method for allocating network addresses by using a memory unit that is able to store executable instructions as taught by Chiang on the access system ACC1 as taught by Tonnby et al. and Krause et al. The motivation for implementing the method for allocating network addresses memory unit that is able to store executable instructions is to improve the usability of the system by allowing for configuration changes without costly hardware modifications.

For claim 20, Tonnby et al. discloses an apparatus that allocates network addresses wherein the computer executable instructions defining the step of sending a second request comprise computer executable instructions defining the steps of: sending a dynamic host configuration protocol (DHCP) to a DHCP server (*see paragraph 62, which recite a service agent SA1 that receives a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client*) and receiving said network address from said DHCP server (*see paragraph 62, which recite a client that receives a DHCP response that includes it's allocated IP address IPUD11*).

Response to Arguments

10. It is noted with appreciation that the Applicant has carefully considered the previous Office Action and the cited prior art references. Applicant's arguments with respect to claims 1-6, 8-18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (*Please see form PTO-892*).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 2464

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit
2464

BL